

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 244 be amended to read as follows:

- 1           Page 9, between lines 21 and 22, begin a new paragraph and insert:
- 2           "SECTION 12. IC 36-4-3-13 IS AMENDED TO READ AS
- 3           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Except as
- 4           provided in subsection (e), at the hearing under section 12 of this
- 5           chapter, the court shall order a proposed annexation to take place if the
- 6           following requirements are met:
- 7               (1) The requirements of either subsection (b) or (c).
- 8               (2) The requirements of subsection (d).
- 9           (b) The requirements of this subsection are met if the evidence
- 10          establishes the following:
- 11               (1) That the territory sought to be annexed is contiguous to the
- 12               municipality.
- 13               (2) One (1) of the following:
- 14                    (A) The resident population density of the territory sought to
- 15                    be annexed is at least three (3) persons per acre.
- 16                    (B) Sixty percent (60%) of the territory is subdivided.
- 17                    (C) The territory is zoned for commercial, business, or
- 18                    industrial uses.
- 19           (c) The requirements of this subsection are met if the evidence
- 20          establishes the following:
- 21               (1) That the territory sought to be annexed is contiguous to the
- 22               municipality as required by section 1.5 of this chapter, except that
- 23               at least one-fourth (1/4), instead of one-eighth (1/8), of the
- 24               aggregate external boundaries of the territory sought to be
- 25               annexed must coincide with the boundaries of the municipality.
- 26               (2) That the territory sought to be annexed is needed and can be
- 27               used by the municipality for its development in the reasonably
- 28               near future.
- 29           (d) The requirements of this subsection are met if the evidence
- 30          establishes that the municipality has developed a written fiscal plan and
- 31          has established a definite policy, by resolution of the legislative body,
- 32          as of the date of passage of the annexation ordinance. The resolution
- 33          must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed.

(2) The method or methods of financing the planned services.

(3) The plan for the organization and extension of services.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density. However, in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the resolution of a city must show that these services will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, or population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and storm water drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria. However, in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the resolution of a city must show that these services will be provided to the annexed territory within four (4) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, or population density.

(6) The plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation, although the municipality is not required to hire any employees.

(e) ~~This subsection applies only to cities located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). However,~~ This subsection does not apply to territory located in a county having a population of **more than two hundred thousand (200,000) but less than three hundred thousand (300,000)** if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more

1 municipalities. At the hearing under section 12 of this chapter, the  
 2 court shall do the following:

3 (1) Consider evidence on the conditions listed in subdivision (2).

4 (2) Order a proposed annexation not to take place if the court  
 5 finds that all of the following conditions exist in the territory  
 6 proposed to be annexed:

7 (A) The following services are adequately furnished by a  
 8 provider other than the municipality seeking the annexation:

9 (i) Police and fire protection.

10 (ii) Street and road maintenance.

11 (B) The annexation will have a significant financial impact on  
 12 the residents or owners of land.

13 (C) One (1) of the following opposes the annexation:

14 (i) A majority of the owners of land in the territory proposed  
 15 to be annexed.

16 (ii) The owners of more than seventy-five percent (75%) in  
 17 assessed valuation of the land in the territory proposed to be  
 18 annexed.

19 Evidence of opposition may be expressed by any owner of land  
 20 in the territory proposed to be annexed.

21 (f) The federal census data established by IC 1-1-4-5(17) shall be  
 22 used as evidence of resident population density for purposes of  
 23 subsection (b)(2)(A), but this evidence may be rebutted by other  
 24 evidence of population density."

25 Page 16, line 13, delete "IC 36-4-3-13;".

26 Renumber all SECTIONS consecutively.

(Reference is to SB 244 as printed February 19, 1999.)

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Senator GARD